

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRED B. DUFRESNE,

Plaintiff and
Counter-Defendant,

v.

MICROSOFT CORPORATION, ADOBE
SYSTEMS INCORPORATED and
MACROMEDIA, INCORPORATED,

Defendants and
Counter-Claimants.

Civil Action No. 02-11778 WGY

**DECLARATION OF JASON W. WOLFF IN SUPPORT OF
MICROSOFT'S MOTIONS FOR SUMMARY JUDGMENT**

I, Jason W. Wolff, a principal in the law firm of Fish & Richardson P.C., counsel for Defendants Microsoft Corporation, Adobe Systems Incorporated, and Macromedia, Incorporated in the above captioned matter, declare and do state that following to be true to the best of my knowledge, information, and belief:

1. Attached as Exhibit A is a true and correct copy of pages from a book entitled "The HTML Source Book: A Complete Guide to HTML" and written by Ian S. Graham ("The HTML Source Book"), which has been produced at AD-MM-MSFT 0004383-811.

2. Attached as Exhibits B-1 is a true and correct copy of a printout from the Library of Congress "catalog.loc.gov" website, printed on May 16, 2007 and located at <http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&PAGE=First> (Search for "94047369" with Search Type "LCCN-ISBN-ISSN"; follow "Full Record").

3. Attached as Exhibits B-2 is a true and correct copy of a printout from the Library of Congress “catalog.loc.gov” website, printed on May 16, 2007 and located at <http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&PAGE=First> (Search for “94047369” with Search Type “LCCN-ISBN-ISSN”; follow “MARC Tags”).

4. Attached as Exhibits B-3 is a true and correct copy of a printout from the Library of Congress “catalog.loc.gov” website, printed on May 16, 2007 and located at <http://www.loc.gov/marc/bibliographic/lite/elbdcntr.html>.

5. Attached as Exhibits B-4 is a true and correct copy of a printout from the Library of Congress “catalog.loc.gov” website, printed on May 16, 2007 and located at <http://www.loc.gov/marc/bibliographic/lite/elbd008s.html>.

6. I have examined the bibliographic information in Exhibits A, B-1 and B-2 as well as the explanations in Exhibits B-3 and B-4. A record was first made for The HTML Source Book by the Library of Congress on December 7, 1994 and was last altered by the Library of Congress on May 8, 1995. *See* Exhibit B-2 (“008 941207”); Exhibit B-4 (at page 2, explaining character positions 00-05 in field “008”); Exhibit B-2 (“005 19950508130107.9”); Exhibit B-3 (at page 2, explaining the “date and time of latest transaction” in field “005”).

7. Attached as Exhibit C-1 is a true and correct copy of pages from the reference desk copy of The HTML Source Book from the University of California Irvine’s public library. The last page of Exhibit C-1 is date stamped “Aug 02 1995.”

8. Attached as Exhibits C-2 is a true and correct copy of a printout from the University of California Irvine’s libraries website, “<http://antpac.lib.uci.edu/>”, printed on May 16, 2007 and located at <http://antpac.lib.uci.edu/> (Search for “QA76.76.H94 G73 1995” with Search Type “LC Call Number” in “Entire Collection”).

9. I have compared the bibliographic information in Exhibits A, B-2, C-1 and C-2 and they are identical.

10. Attached as Exhibit D is a true and correct copy of a document entitled "NSCA httpd server side includes," which was produced at AD-MM-MSFT 001412-14.

11. Attached as Exhibit E-1 is a true and correct copy of a printout of computer source code downloaded from the NCSA's ftp server which has been produced at AD-MM-MSFT 0004812-15.

12. Attached as Exhibit E-2 is a true and correct copy of a printout of computer source code downloaded from the NCSA's ftp server which has been produced at AD-MM-MSFT 0004816-27.

13. Attached as Exhibit F is a true and correct copy of a document entitled "An Instantaneous Introduction to CGI Scripts and HTML Forms" which was produced as Exhibit K to Joint Appendix for Claim Construction.

14. Attached as Exhibit G is a true and correct copy of a document which has been produced at AD-MM-MSFT 0003050-53.

15. Attached as Exhibit H is a true and correct copy of a document which has been produced at AD-MM-MSFT 0003056-63.

16. Attached as Exhibit I is a true and correct copy of a document which has been produced at AD-MM-MSFT 0010256-64.

17. Attached as Exhibit J is a true and correct copy of a document which has been produced at AD-MM-MSFT 001044-52.

18. Attached as Exhibit K is a true and correct copy of excerpts from the transcript of Fred B. DuFresne's deposition taken on November 15, 2005.

19. Attached as Exhibit L is a true and correct copy of Plaintiff's Supplemental Answer to Microsoft Corporation's Interrogatory No. 3, dated February 27, 2004.

20. Attached as Exhibit M is a true and correct copy of excerpts from the transcript of Robert McCool's deposition taken November 18, 2004.

21. Attached as Exhibit N is a true and correct copy of Plaintiff's First Set of Interrogatories (Nos. 1-9) to Defendant Macromedia Incorporated, dated December 30, 2002.

22. Attached as Exhibit O is a true and correct copy of Plaintiff's Answers to Macromedia, Inc.'s First Set of Interrogatories, (Nos. 1-3) dated April 21, 2003.

23. Attached as Exhibit P is a true and correct copy of excerpts from the Expert Report of David Klausner re infringement of U.S. Patent No. 5,835,712.

24. Attached as Exhibit Q is a true and correct copy of an Amendment from the file history of U.S. Patent No. 5,835,712.

25. Attached as Exhibit R is a true and correct copy of excerpts from David Klausner's Rebuttal Report on Validity dated November 28, 2003.

The foregoing statements are made under penalty of perjury of the laws of the United States. Signed this 25th day of May, 2007, Boston, Massachusetts, by

/s/ Jason W. Wolff
Jason W. Wolff (admitted *pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 25, 2007.

/s/ Jason W. Wolff
Jason W. Wolff